

SOUTH CAROLINA PUBLIC SERVICE COMMISSION

HEARING OFFICER DIRECTIVE

DOCKET NOS. [2017-370-E](#), [2017-207-E](#), [2017-305-E](#) ORDER NO. 2018-81-H

JULY 5, 2018

David Butler
Hearing Officer

DOCKET DESCRIPTION:

Joint Application and Petition of South Carolina Electric & Gas Company and Dominion Energy, Incorporated for Review and Approval of a Proposed Business Combination between SCANA Corporation and Dominion Energy, Incorporated, as May Be Required, and for a Prudency Determination Regarding the Abandonment of the V.C. Summer Units 2 & 3 Project and Associated Customer Benefits and Cost Recovery Plans

Friends of the Earth and Sierra Club, Complainant/Petitioner v. South Carolina Electric & Gas Company, Defendant/Respondent

Request of the Office of Regulatory Staff for Rate Relief to South Carolina Electric & Gas Company's Rates Pursuant to S.C. Code Ann. § 58-27-920

MATTER UNDER CONSIDERATION:

Establishment of a Procedural Schedule for the SCE&G Nuclear Dockets, With Additional Directives

HEARING OFFICER ACTION FOR ALL DOCKETS:

1. IN RE: DOCKET NO. 2017-370-E – Joint Application and Petition of South Carolina Electric & Gas Company and Dominion Energy, Incorporated for Review and Approval of a Proposed Business Combination between SCANA Corporation and Dominion Energy, Incorporated, as May Be Required, and for a Prudency Determination Regarding the Abandonment of the V.C. Summer Units 2 & 3 Project and Associated Customer Benefits and Cost Recovery Plans

TO: ALL PARTIES OF RECORD

Pursuant to 10 S.C. Code Ann. Regs. 103-845:

Pre-filing of Testimony and Exhibits shall be as follows:

a. SCE&G, Dominion Energy, and any Party of Record supporting SCE&G and Dominion Energy’s Joint Application in Docket No. 2017-370-E must file with the Commission one (1) copy of the direct testimony and exhibits of the witnesses it intends to present and serve the testimony and exhibits of the witnesses on all Parties of Record on or before August 2, 2018 (must be post-marked on or before this date).

b. All Other Parties of Record and ORS must file with the Commission one (1) copy of the direct testimony and exhibits of the witnesses they intend to present and serve the testimony and exhibits of the witnesses on all Parties of Record on or before September 18, 2018 (must be post-marked on or before this date).

c. SCE&G/Dominion and supporting parties must file with the Commission one (1) copy of the rebuttal testimony and exhibits of the witnesses it intends to present and serve the testimony and exhibits of the witnesses on all Parties of Record on or before October 17, 2018 (Rebuttal testimony and exhibits must be in the office of the Commission and in the hands of the parties on or before this date).

d. All Other Parties of Record and ORS must file with the Commission one (1) copy of the surrebuttal testimony and exhibits of the witnesses it intends to present and serve the testimony and exhibits of the witnesses on all Parties of Record on or before October 24, 2018 (Surrebuttal testimony and exhibits must be in the office of the Commission and in the hands of the parties on or before this date).

2. **IN RE: DOCKET NO. 2017-207-E – Friends of the Earth and Sierra Club,
Complainant/Petitioner v. South Carolina Electric & Gas Company,
Defendant/Respondent**

TO: ALL PARTIES OF RECORD

Pursuant to 10 S.C. Code Ann. Regs. 103-845:

Pre-filing of Testimony and Exhibits shall be as follows:

a. **Sierra Club/Friends of the Earth and any Party of Record supporting Sierra Club and Friends of the Earth in Docket No. 2017-207-E must file with the Commission one (1) copy of the direct testimony and exhibits of the witnesses it intends to present and serve the testimony and exhibits of the witnesses on all Parties of Record on or before August 14, 2018 (must be post-marked on or before this date).**

b. **SCE&G and all Other Parties of Record supporting SCE&G in Docket No. 2017-207-E must file with the Commission one (1) copy of the direct testimony and exhibits of the witnesses it intends to present and serve the testimony and exhibits of the witnesses on all Parties of Record on or before September 18, 2018 (must be post-marked on or before this date).**

c. **Sierra Club, Friends of the Earth, and any Party of Record supporting Sierra Club and Friends of the Earth in Docket No. 2017-207-E must file with the Commission one (1) copy of the rebuttal testimony and exhibits of the witnesses it intends to present and serve the testimony and exhibits of the witnesses on all Parties of Record on or before October 18, 2018 (Rebuttal testimony and exhibits must be in the office of the Commission and in the hands of the parties on or before this date).**

d. **SCE&G and all Other Parties of Record supporting SCE&G in Docket No. 2017-207-E must file with the Commission one (1) copy of the surrebuttal testimony and exhibits of the witnesses it intends to present and serve the testimony and exhibits of the witnesses on all Parties of Record on or before October 25, 2018. (Surrebuttal testimony and exhibits must be in the office of the Commission and in the hands of the parties on or before this date).**

3. IN RE: DOCKET NO. 2017-305-E – Request of the Office of Regulatory Staff for Rate Relief to South Carolina Electric & Gas Company's Rates Pursuant to S.C. Code Ann. § 58-27-920

TO: ALL PARTIES OF RECORD

Pursuant to 10 S.C. Code Ann. Regs. 103-845:

Pre-filing of Testimony and Exhibits shall be as follows:

a. ORS and any Party of Record supporting ORS in Docket No. 2017-305-E must file with the Commission one (1) copy of the direct testimony and exhibits of the witnesses it intends to present and serve the testimony and exhibits of the witnesses on all Parties of Record on or before August 14, 2018 (must be post-marked on or before this date).

b. SCE&G and all Other Parties of Record supporting SCE&G in Docket No. 2017-305-E must file with the Commission one (1) copy of the direct testimony and exhibits of the witnesses it intends to present and serve the testimony and exhibits of the witnesses on all Parties of Record on or before September 18, 2018 (must be post-marked on or before this date).

c. ORS and any Party of Record supporting ORS in Docket No. 2017-305-E must file with the Commission one (1) copy of the rebuttal testimony and exhibits of the witnesses it intends to present and serve the testimony and exhibits of the witnesses on all Parties of Record on or before October 18, 2018 (Rebuttal testimony and exhibits must be in the office of the Commission and in the hands of the parties on or before this date).

d. SCE&G and all Other Parties of Record supporting SCE&G in Docket No. 2017-305-E must file with the Commission one (1) copy of the surrebuttal testimony and exhibits of the witnesses it intends to present and serve the testimony and exhibits of the witnesses on all Parties of Record on or before October 25, 2018 (Surrebuttal testimony and exhibits must be in the office of the Commission and in the hands of the parties on or before this date).

HEARING NOTICE AND FURTHER DIRECTIVES:

- 1. The pre-filing schedule includes direct, responsive, rebuttal, and surrebuttal testimony and exhibit pre-filing dates for each Docket. Each Applicant or Petitioner must bear the burden of proof of the issues in its own initiated Docket. If confidential exhibits are to be used, the party using them must pre-file both redacted and unredacted versions, with the unredacted versions to be submitted in sealed envelopes and clearly identified as confidential. At the hearing, unless otherwise ordered, the unredacted versions of confidential exhibits will be placed into evidence in a manner that maintains their confidential nature. A redacted version will also be placed into the record.**
- 2. Even though the pre-filing schedules are separate for each Docket, the three Dockets will be heard together in one consolidated proceeding, beginning at 10:00 am on November 1, 2018 for judicial economy purposes.**
- 3. Parties in any one or more Dockets are hereby declared to be parties in all three Dockets, subject to objection in particular instances. These instances will be very narrowly construed.**
- 4. Because of the general commonality of issues in the three Dockets, each witness in the hearing will be allowed to present all pre-filed testimony and exhibits on the merits of all three cases at the same time on the witness stand, including direct, responsive, rebuttal, and/or surrebuttal or other appropriate testimony as appropriate, and will be subject to cross-examination on all testimony at the same time as well.**
- 5. Witnesses for each party may be presented in panels of no more than three witnesses each upon approval of the Chairman. (Such approval must be sought in advance of the hearing through the Hearing Officer.) Panelists must have identifying name placards to be placed on the table in front of them while testifying for identification purposes. The parties will deliver to the Hearing Officer the order of presentation of their witnesses, and any requests for presentation of witnesses by panel on or before October 1.**
- 6. The Hearing Officer encourages the parties to attempt to resolve potential evidentiary issues in advance with likely opponents on the matter. Further, parties are free to consult the Hearing Officer on such matters in advance, if needed.**
- 7. When appearing as a witness during the hearing, each witness must deliver orally a summary of his or her testimony or testimonies. When possible, for witnesses with long summaries, it is preferable for the party to present written copies of summaries to the Commission, the Court Reporter, and the other parties. Although Commission Staff is available to present copies to the Commission and Court Reporter, it would be helpful if a party or party's employee would be available to deliver copies to the other parties.**

8. The parties are strongly encouraged, within the bounds of due process, to streamline cross-examination of witnesses when possible. One example of streamlining cross-examination would be to avoid as much as possible questions that have already been asked by other attorneys. Repetition is not normally helpful.
9. If a party fails in an attempt to place a document or other evidence into the record of the case due to a successful objection, and wishes to make a “proffer,” or “offer of proof,” Commission Regulation 103-849 (B) applies. The Regulation reads, in part, as follows: “Such an offer of proof shall consist of a statement of the substance of the evidence to which objection has been sustained, or if the excluded evidence consists of evidence in documentary or written form, a copy of such evidence shall constitute the offer of proof.”
10. Commission Regulation 103-846 states that, subject to certain requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form. Of course, such evidence must be relevant, material, and not unduly repetitious, among other legal requirements. I would ask the parties to confer and attempt to develop a list of documents or other matters that might be stipulated into the record without objection. This procedure could save time in the hearing. I would request that ORS lead this process.
11. Proposed Orders and/or Briefs will be requested from the parties at the end of the hearing in these Dockets. The Hearing Officer will accept proposals as to the due date for such documents at a later time.
12. Further procedural directives may be forthcoming, as needed.